

**CALIFORNIA
BUILDING
STANDARDS
COMMISSION**

**MONOGRAPH
OF
CODE CHANGE SUBMITTALS FOR 2004
ANNUAL CODE ADOPTION CYCLE

SUGGESTED REVISIONS
TO THE
CALIFORNIA BUILDING STANDARDS CODE
TITLE 24**

VOLUME I OF IV

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May 2005

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Preface

California Building Standards Law (Health and Safety Code §18929.1) requires state agencies that propose building standards for adoption in, amendment to, or repeal from the California Building Standards Code (Title 24, California Code of Regulations) to submit for consideration in an annual code adoption cycle. This document contains the proposed building standards submitted for consideration in the 2004 ANNUAL CODE ADOPTION CYCLE for commenting by the public in accordance with administrative requirements of the California Building Standards Law and the Administrative Procedures Act. The purpose of this document is to make available the proposed building standards to the public for review and comment.

California Building Standards Law requires proposed building standards and its justifications to undergo a technical review by code advisory committees' of the California Building Standards Commission prior to submitting to the California Building Standards Commission. During the weeks of January and February 2005, in Sacramento, California, code advisory committees' met in a noticed public meeting to obtain public input on the technical merit of the proposed building standards. Based upon the public's input and the technical code advisory committees' expertise, the technical code advisory committees' recommended an action (approval, disapproval, approved as amended) for each of the proposed building standards. This document contains the recommendations of the technical code advisory committees' for review by the public. The recommendations and the proposed building standards are listed in this document and can be found at the end of each item and sub-item throughout the monograph. The proposed building standards are being suggested by the California Building Standards Commission (CBSC), the Department of Housing and Community Development (HCD), the Division of the State Architect / Access Compliance (DSA/AC), the Division of the State Architect / Structural Safety (DSA/SS), the Office of Statewide Health Planning and Development (OSHPD), the Office of the State Fire Marshal (SFM).

Any person wishing to comment in support, support if amended, or opposition to the proposed building standards and/or the technical code advisory committees' recommendations, must submit the comment by 5:00 PM, July 11, 2005 to the California Building Standards Commission. Any person choosing to comment may submit their comment on the comment form provided in this document. The comment form is provided for your convenience. Directions on preparing comments are located on the back of this form.

Although a public hearing has not been scheduled, a public hearing will be held if an interested person or his or her duly authorized representative submits in writing to the California Building Standards Commission a request to hold a public hearing no later than 15 days prior to the close of the written comment period. Address your request or comments to:

Tom Morrison, Deputy Director
California Building Standards Commission
2525 Natomas Park Dr., Ste 130
Sacramento, CA. 95833

For more information regarding the cycle process please visit the California Building Standards Commission web site at: www.bsc.ca.gov.

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MAY 2005

***Suggested Revisions to the California Building Standards Code
California Code of Regulations
Title 24
(Submittals for 2004 Annual Cycle)***

NOTE: In order to follow the proposed revisions through the code change cycle, it is important to retain parts 1, 2, 3, 4, 5, 9, & 12 of the California Building Standards Code.

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**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2004 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), and Part 12 (California Referenced Standards Code).

The building standards being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal are for incorporation into CCR, Title 24, Parts 1, 2, 3, 4, 5, 9 and 12. A summary of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A	California Building Standards Commission (CBSC)
Appendix B	Division of the State Architect, Access Compliance (DSA/AC)
Appendix C	Division of the State Architect, Structural Safety (DSA/SS)
Appendix D	Department of Housing and Community Development (HCD)
Appendix E	Office of Statewide Health Planning and Development (OSHPD)
Appendix F	Office of the State Fire Marshal (SFM)

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from May 27, 2005 until 5:00 p.m. on July 11, 2005. Comments may be made using the form in the "Monograph of Code Change Submittals" and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

California Building Standards Commission

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18928.1, 18934.5, and 18938.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of their publication.

Division of the State Architect, Access Compliance

CBSC proposes to adopt these building standards on behalf of DSA/AC under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of GC Sections 4450 through 4461, 12955.1 and H&SC Sections 18949.1, and 19952 through 19959. DSA/AC is proposing this regulatory action based on GC Section 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
DSA/AC is unaware of any other matters prescribed by statutes applicable to the DSA/AC or to any specific regulations or class of regulations.

Division of the State Architect, Structural Safety

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 16000-16023 and Education Code Sections 17280-17317 and 81130-81147. DSA/SS is proposing this regulatory action based on H&SC Section 16022 and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
There are no other matters prescribed by statute applicable to DSA/SS, or to any specific regulation or class of regulations.

Department of Housing and Community Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 17040, 17921, 17922, 18300, 18630, 18640 and 19990, and GC Section 12955.1. HCD is proposing this regulatory action based on H&SC Sections 17040, 17921, 18300, 18670 and 19990.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
None

Office of Statewide Health Planning and Development

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 129785, 129855, 129885 and 129955. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 18929 and 129850.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
There are no other matters to be identified.

Office of the State Fire Marshal

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 13143(a) and 18928(a). SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108(a), 13211, 13113, 13113.5, 13114(a), 13132.7, 13133, 13135, 13143, 13143.1(a), 13143.6(a), 13143.9(a).

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations:
SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between January 26, 2005 and February 9, 2005 at 2525 Natomas Park Drive, Sacramento, California, and on February 11, 2005, at 400 R Street, Sacramento, California. The recommendations made by these committees are incorporated into the express terms. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 1 for OSHPD. **(Note:** See the informative digest for this state agency in Appendix E for specific details on the effect of the proposal.)
2. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 2 for BSC, HCD, DSA/AC, DSA/SS, OSHPD, and SFM. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
3. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 3 for HCD, OSHPD. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
4. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 4 for BSC, OSHPD, DSA/SS, HCD, SFM. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
5. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 5 for BSC, OSHPD, DSA/SS, DSA/AC, HCD, SFM. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
6. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 9 for SFM. **(Note:** See the informative digests for SFM in Appendix F for specific details on the effect of the proposals.)
7. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 12 for BSC and SFM. **(Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE:

See assessment for SFM in Appendix F for specific details on the effect of the proposal.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

CBSC has prepared and has available for public review Initial Statement of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text are included in the monograph of code advisory committee recommendations and are available by contacting Stephanie Davis at (916) 263-0916. In addition, this notice, the regulation text and the ISOR can be accessed from CBSC's website at www.bsc.ca.gov.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available from either CBSC's contact, Stephanie Davis at (916) 263-0916, or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison, Deputy Director
Tom.Morrison@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Stan Nishimura, Executive Director
Stan.Nishimura@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888
	Jane Taylor	(916) 263-0807
		(916) 263-0959
		Michael.Nearman@dgs.ca.gov
		Jane.Taylor@dgs.ca.gov

DSA/AC	Aaron Noble Linda Huber	(916) 445-5827 (916) 445-5827 (916) 327-3371 FAX Aaron.Noble@dgs.ca.gov Linda.Huber@dgs.ca.gov
DSA/SS	Richard Conrad Howard "Chip" Smith	(916) 445-8100 (916) 445-8100 (916) 327-3371 FAX Richard.Conrad@dgs.ca.gov Howard.Smith@dgs.ca.gov
HCD	Dave Walls Doug Hensel	(916) 445-9471 (916) 445-9471 (916) 327-4712 FAX dwalls@hcd.ca.gov dhensel@hcd.ca.gov
OSHPD	Susan M. Botelho Pat Friel	(916) 654-2012 (916) 654-2012 (916) 654-2079 FAX regsunit@oshpd.state.ca.us oshpd.pfriel@hw1.cahwnet.gov
SFM	Dan Najera Randy Roxson	(916) 445-8200 (916) 445-8200 (916) 445-8459 FAX Dan.Najera@fire.ca.gov Randy.Roxson@fire.ca.gov

APPENDIX A

CODE CHANGE SUBMITTAL PROPOSED BY THE CALIFORNIA BUILDINGS STANDARDS COMMISSION

BSC 01/04 Part 2 (Item 5 in monograph 2 of 4)
BSC 02/04 Part 4 (Item 11 in monograph 3 of 4)
BSC 03/04 Part 5 (Item 16 in monograph 3 of 4)
BSC 04/04 Part 12 (Item 23 in monograph 4 of 4)

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Mechanical Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2001 California Building Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform Building Code of the International Conference of Building Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will update structural provisions to the 1997 UBC of ICBO with necessary amendments to state owned buildings, to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the 2004 California Building Code (CBC). This proposed action by the California Building Standards Commission will also make the 2001 CBC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the 2004 CBC.

The proposed rulemaking action would update the structural standards for state owned buildings & buildings constructed by the University of California and California State Universities regarding the following:

- Chapter 16, Structural Design Standards – Editorial corrections by adding notations for BSC applications.
- Chapter 19, Concrete - Editorial corrections by adding notations for BSC applications.
- Chapter 22, Steel - Editorial corrections by adding notations for BSC applications.
- Chapter 23, Wood – Update the National Design Specification (NDS) reference to the 2001 NDS and specify the amendments needed to update the 2001 NDS for state owned buildings & buildings constructed by the University of California and California State Universities.

PARTS 2, 4, 5, 12

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts with the exception of proposed changes to Part 12. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California

APPENDIX B

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ ACCESS COMPLIANCE

DSA/AC 02/04 Part 2 (Item 3 in monograph 1 of 4)
DSA/AC 03/04 Part 5 (Item 21 in monograph 3 of 4)

INFORMATIVE DIGEST

Summary of Existing Laws

Access to public buildings by person with disabilities -

Government Code 4450 ensures that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities. The State Architect shall develop and submit proposed building standards to the California Building Standards Commission for approval and adoption pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of the Health and Safety Code and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. These regulations and building standards shall contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities as the State Architect determines are necessary to assure access and usability for persons with disabilities. However, in no case shall the State Architect's regulations and building standards prescribe a lesser standard of accessibility or usability than provided by the Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336).

Government Code Section 4450.5 provides the State Architect's regulations for identification of parking spaces for persons with disabilities.

Government Code Section 4451 provides for buildings and facilities to which provisions for access to public buildings by persons with disabilities are applicable, the standards, specifications and exceptions.

Government Code Section 4452 provides minimum standards relating to access by persons with disabilities and unauthorized deviation from these specifications.

Government Code Section 4453 provides the responsibility for enforcement for access to public buildings by persons with disabilities.

Government Code Section 4453.5 provides for inspection of state and school district buildings by persons with disabilities volunteers, reports, correction plan, and applicability of the provisions for access to public buildings by persons with disabilities.

Government Code Section 4454 provides for approval of plans and specifications, filing fee, and consultation.

Government Code Section 4455 provides duties of department of rehabilitation.

Government Code Section 4455.5 provides for elevators and Braille symbols.

Government Code Section 4456 provides for alteration of existing buildings or facilities.

Government Code Section 4457 provides for portable buildings of school district.

Government Code Section 4458 provides for violations, injunctions, district or city attorney, county counsel, and Attorney General.

Government Code Section 4459 provides for accessibility requirements and use of fees.

Government Code Section 4459.5 provides State Architect's program for voluntary certification of persons who meet criteria as certified access specialists, and determination of criteria.

Government Code Section 4459.6 provides for an Ad hoc advisory committee, development of requirements for certification as access specialist, and representatives.

Government Code Section 4459.7 provides for a published list of certified access specialists, disclaimer of liability, and audits of work.

Government Code Section 4459.8 provides for certification effective for three years, suspension of certification or denial of certification renewal, payment of fees, and costs of reassessing qualification of renewal applicants.

Government Code Section 4460 provides for detectable warning products and directional surfaces and approval.

Government Code Section 4461 provides mandatory service on State Solicitor General of each party's brief or petition and brief in causes of action based on violation of civil rights statutes.

Housing Discrimination—

Government Code Section 12955 provides for any unlawful practices in housing discrimination.

Government Code Section 12955.1 (d) provides that regulations shall be developed by the Office of the State Architect for public housing, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code.

Regulations –

Health and Safety Code 18949.1 provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

Access to places of public amusement and resort by persons with disabilities –

Health and Safety Code 19952 provides seating or accommodations in various locations with facility, removable seats, application, and construction.

Health and Safety Code Section 19953 provides for injunctions and attorney fees.

Health and Safety Code Section 19954 provides for injunctions and persons who may bring action.

Health and Safety Code Section 19954.5 provides for mandatory service on State Solicitor General of each party's brief or petition and brief in causes of action based on violation of civil rights statutes.

Access to public accommodations by persons with disabilities –

Health and Safety Code Section 19955 provides for the purpose of public accommodation or facilities.

Health and Safety Code Section 19955.3 defines "Story", "First story", "Mezzanine", and "Grade".

Health and Safety Code Section 19955.5 provides for access to passenger vehicle service stations, shopping centers, physicians' and surgeons' offices, and office buildings constructed with private funds and prospective application of section.

Health and Safety Code Section 19956 provides for conformity with Government Code provisions and exceptions.

Health and Safety Code Section 19956.5 provides for public curb or sidewalk construction with private funds.

Health and Safety Code Section 19957 provides for exceptions from literal requirements of standards and specifications in hardship cases.

Health and Safety Code Section 19957.5 provides for local appeals board, jurisdiction, members and duties.

Health and Safety Code Section 19958 provides for enforcement and building department is defined.

Health and Safety Code Section 19958.5 provides for violations, injunctions, district or city attorney, and Attorney General.

Health and Safety Code Section 19958.6 provides for civil penalties for violations of regulations implementing sections promulgated by State Architect, circumstances considered by court in determining amount of penalties, and suspended penalties.

Health and Safety Code Section 19959 provides for alteration of existing public accommodations.

Health and Safety Code Section 19959.5 provides for mandatory service on State Solicitor General of each party's brief or petition and brief in cause of action based on violation of civil rights statutes.

Existing Regulations & Effect

Existing building standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA. These regulations are contained in Title 24, Parts 2, and 5.

Summary of Effect

The proposed action would update Parts 2, and 5 adopting more clarifying standards for accessibility. Non substantive amendments are made in Part 5. Both non-substantive and substantive amendments are made in Part 2.

Substantive adoptions, amendments or repeals effect:

Part 2 – CALIFORNIA BUILDING CODE

Chapter 2 (Definitions and Abbreviations) Public Accommodation, Stairway, Story and Story-First;

Chapter 11A (Housing Accessibility) DSA/AC adopts Chapter 11A as promulgated by the Department of Housing and Community Development for accessible housing, which also includes those SFM provisions as shown in the HCD Chapter 11A that are jointly adopted by SFM and DSA/AC. See HCD Notice.

Chapter 11B (Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Publicly Funded Housing)

Bathing and Toilet Facilities (Accessible Showers-Water Controls) and (Accessible Water Closet (Accessible Kitchen Sinks) ;
Elevators (Door Size the Exception), (Car Inside), (Car Controls and Car Position Indicator and Signal) and (Special Access (Wheelchair) Lifts for When Provided as A Means of Egress, Standby Power, and Special Access (wheelchair) Lift);

Other Building Components (Signs and Identification for Identification Signs, Plan Review and Inspection, Finish and Contrast, Raised Characters and Pictorial Symbol Signs for Character Placement, Braille and Mounting Location and Height);

Exterior Routes of Travel (Signs, Curb Ramps for Slope of Curb Ramps, Beveled Lip Detectable Warnings) and General Accessibility for Entrances, Exits and Paths of Travel (Detectable Warnings at Transit Boarding Platforms); Accessible Parking Required (Less Than Five Spaces, Parking Space Size); and General Accessibility for Entrances, Exits and Paths of Travel (Ramp Width for Entrance and Special Occupancy).

The following Figures are also amended:

Figure 11B-1A (Single-Accommodation Toilet Facility, Accessible Water Closet Compartment Within a Multiple-Accommodation Toilet Facility and Side Elevation); **Figure 11B-1B** Multiple-Accommodation Toilet Facility;

Figure 11B-1D Knee Clearance (Side Elevation and Plan View);

Figure 11B-2A Roll-In-Shower (Roll-in Shower—A, Plan Roll-in-Shower—C, Elevation at Shower Typical for A—C and Folding Seat);

Figure 11B-2B Roll-In Shower (Perspective of Roll-in-Shower—B and Roll-in Shower—B);

Figure 11B-2C Open Shower (Plan and Elevation);

Figure 11B-14A International TTY Symbol;

Figure 11B-14B Volume Control Telephones;

Figure 11B-14C International Symbol of Access for Hearing Loss;

Figure 11B-18A Double Parking Stalls;

Figure 11B-18B Single Parking Stalls;

Figure 11B-18C Diagonal Parking Stalls;

Figures 11B-19A, 19B Curb Details

Figure 11B-20A Curb Detail-Cases A and B;

Figure 11B-20B Curb Detail Cases C and D;

Figure 11B-20C Curb Detail Cases E and F;

Figure 11B-20D Curb Detail Cases G and H;

Figure 11B-21 Returned Curb Style; and

Figure 11B-23A Truncated Domes.

Non-substantive adoptions, amendments or repeals effect:

Part 2 – CALIFORNIA BUILDING CODE

Chapter 11A is being renumbered. DSA/AC is amending all DSA/AC adopted cross-references to be consistent with the new numbering formation of Chapter 11A as follows:

Chapter 2 - Definitions of: Accessible, Accessibility, Accessible Route of Travel, Adaptable Dwelling Unit, Assistive Device, Automatic Door, Bathroom, Building Entrance on an Accessible Route, Common Use Areas, Covered Multifamily Dwellings, Cross Slope, Curb Cut, Curb Ramp, Detectable Warning, Dwelling Unit, Equivalent Facilitation, Facility (or Facilities), Grab Bar, Ground Floor, Handrail, Kick Plate, Level Area, Lift, Special Access, Marked Crossing, Multistory Dwelling Unit, Newly Constructed, Nose, Nosing, Open Riser, Passage Door, Pedestrian, Pedestrian Ramp, Pedestrian Way, Person With Disability, Persons With Physical Disabilities, Powder Room, Publicly Funded, Public Use Area, Ramp, Riser, Sleeping Accommodations, Slope, Special Access Lift, Stair Railing, Toeboard, Townhouse, Tread, Tread Depth, Tread Run, Vehicular or Pedestrian Arrival Points, and Walk;

Chapter 10 – 1003.3.1.3 Note, 1003.3.1.6.1 Note and 1003.3.3.6.1.1 Note;

Chapter 11B – 1111B.4.4, 1114B.1.1, 1115B.2.1 Note 1, 1127B.3, and 1133B.5.7.3 Exception 3;

Chapter 11C – 1101C.1 definitions of Accessible, International Symbol of Accessibility and Level Area;

Chapter 30 – 3001 through 3001.1, 3003 through 3003.4.17;

Part 5 – CALIFORNIA PLUMBING CODE

DSA/AC is proposing to delete the 2001 Edition of the California Plumbing Code which is based on the 2000 Edition of the Uniform Plumbing Code (UPC). DSA/AC is proposing to adopt by reference the 2003 Edition of the UPC, with necessary CA amendments by adopting carrying forward existing CA amendments and by making other non-substantive amendments or repeals.

Changes without regulatory effect

DSA/AC is proposing several changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24. These changes without regulatory effect include, but are not limited to:

1. Renumbering, reordering, or relocating a regulatory provision;
2. Revising structure, syntax, cross-reference, grammar, spelling or punctuation in:

Part 2 – CALIFORNIA BUILDING CODE

Chapter 1 – Administration

Chapter 2 – Definitions and Abbreviations

Chapter 10 – Means of Egress

Chapter 11B – Accessibility to Public Buildings, Public Accommodations, Commercial Buildings, and Publicly Funded Housing

PART 2

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: Yes

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: Yes

Cost or savings in federal funding to the state: None

These proposed regulations are applicable to publicly funded buildings, structures, sidewalks, curbs and related facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities. Descriptions of the cost impacts to state and local agencies for each proposed regulatory action are listed below:

CCR, Title 24, Part 2

▪ Section 1104B.5 item 8 - Food Preparation Areas

When alterations or additions are made to an existing dining, banquet or bar facility, costs may be incurred to widen non-compliant aisles in food preparation areas. New construction may also incur additional space requirements.

Eliminating access barriers in these facilities will provide increased employment opportunities for persons with disabilities.

▪ Section 1117B.5.1 item 4 - Plan Review and Inspection

When signage is added, replaced or altered due to alterations or additions to an existing building or facility, costs may be incurred to submit plans and specifications or other documents to the enforcing agency for review and approval.

Senate Bill 1242 (Sept. 2000) was passed to address noncompliance with existing California Building Code requirements for visual and tactile signage. Ensuing law directs DSA to develop regulations to ensure compliance with existing regulations related to visual and tactile signage.

▪ Section 1117B.5.2 - Finish and Contrast

When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

This proposed regulation will provide clarity for building officials, contractors, design professionals and manufacturers by establishing a measurable standard for contrast. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. The proposed regulation incorporates recommendations found in Appendix A of the ADA Standards.

▪ Section 1117B.5.5 - Raised Characters and Pictorial Symbol Signs

When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. The proposed regulation will provide consistency with national building standards.

- Section 1117B.5.6 - Braille

When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project. Lower long-term maintenance costs may be achieved because domed or rounded Braille dots are more durable and less likely to chip or break off than cylindrical shaped dots.

Sharp, tapering or pointed Braille dots may irritate fingers and confuse the Braille reader. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1127B.5 item 5 - Beveled Lip

When alterations or additions are made to an existing building or facility, costs may be incurred to remove the beveled lip at existing curb ramps. Costs will remain consistent for newly installed curb ramps.

A greater level of accessibility will be provided for persons with mobility impairments, i.e. wheelchair or walker users. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

- Section 1127B.5 item 7 - Detectable Warnings

Existing CBC regulations require detectable warning at curb ramps only when the slope is less than 6.7%, however under the proposed regulation, building owners may incur additional costs to install detectable warning at all new curb ramps with slopes in excess of 6.7%. Installation costs may be reduced at some locations because less material will be required to provide a 36 inch depth of detectable warning rather than the current full depth requirement. When alterations or additions are made to an existing building or facility, costs may be incurred to install or replace detectable warning at curb ramps along exterior routes of travel.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1133B.8.3 - Detectable Warning at Transit Boarding Platforms

When alterations or additions are made to an existing building or facility, costs may be incurred to replace detectable warning at transit boarding platforms.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1129B.2 - Less Than Five (Parking) Spaces

When new construction occurs or when alterations or additions are made to an existing building or facility where less than five parking spaces are provided, costs may be incurred to provide a wider loading and unloading area at the accessible parking space.

Persons with disabilities will have increased access to public accommodations and commercial facilities. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

In addition to the cost impacts described above, CCR, Title 24, Part 2, Section 101.17.11 mandates enforcement for these proposed regulations to the following:

- The Director of General Services where state funds are utilized for any project, or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.
- The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized.

Cost Impact on Representative Private Persons or Businesses

These proposed regulations are applicable to privately funded public accommodations and commercial facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities. Descriptions of the cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory actions are listed below:

CCR, Title 24, Part 2

- Section 217-P (Definition of) Public Accommodation

When new construction occurs or when alterations or additions are made to an existing lodging house, a building owner or business may incur costs to provide accessibility in buildings containing not more than 5 rooms for rent or hire if they are not actually occupied by the proprietor of the establishment as the residence of the proprietor.

Persons with disabilities will have increased access to public accommodations. As a result, businesses may experience an increase in income due to greater patronage by persons with disabilities. This proposed regulatory action will provide greater consistency with the minimum federal requirements found in the ADA Regulation for Title III.

- Section 1104B.5 item 8 - Food Preparation Areas

When alterations or additions are made to an existing dining, banquet or bar facility, a building owner or business may incur costs to widen noncompliant aisles in food preparation areas. New construction may also incur additional space requirements.

Eliminating access barriers in these facilities will provide increased employment opportunities for person with disabilities.

- Section 1117B.5.1 item 4 - Plan Review and Inspection

When signage is added, replaced or altered due to alterations or additions to an existing building or facility, the building owner or business may incur costs to submit plans and specifications or other documents to the enforcing agency for review and approval.

Senate Bill 1242 (Sept. 2000) was passed to address noncompliance with existing California Building Code requirements for visual and tactile signage. Ensuing law directs DSA to develop regulations to ensure compliance with existing regulations related to visual and tactile signage.

- Section 1117B.5.2 - Finish and Contrast

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

This proposed regulation will provide clarity for building officials, contractors, design professionals and manufacturers by establishing a measurable standard for contrast. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation incorporates recommendations found in Appendix A of the ADA Standards.

- Section 1117B.5.5 - Raised Characters and Pictorial Symbol Signs

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1117B.5.6 - Braille

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project. Building owners may incur lower long-term maintenance costs because domed or rounded Braille dots are more durable and less likely to chip or break off than cylindrical shaped dots. Sign manufacturers may

incur costs related to altering production techniques.

Sharp, tapering or pointed Braille dots may irritate fingers and confuse the Braille reader. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1127B.5 item 5 - Beveled Lip

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to remove the beveled lip at existing curb ramps. Costs will remain consistent for newly installed curb ramps.

A greater level of accessibility will be provided for persons with mobility impairments, i.e. wheelchair or walker users. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

- Section 1127B.5 item 7 - Detectable Warnings

Existing CBC regulations require detectable warning at curb ramps only when the slope is less than 6.7%, however under the proposed regulation, building owners may incur additional costs to install detectable warning at all new curb ramps with slopes in excess of 6.7%. Installation costs may be reduced at some locations because less material will be required to provide a 36 inch depth of detectable warning rather than the current full depth requirement. When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to install or replace detectable warning at curb ramps along exterior routes of travel. Some detectable warning manufacturers may incur retooling costs, although most manufacturers have already voluntarily implemented the new design standards.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1133B.8.3 - Detectable Warning at Transit Boarding Platforms

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace detectable warning at transit boarding platforms. Some detectable warning manufacturers may incur retooling costs, although most manufacturers have already voluntarily implemented the new design standards.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1129B.2 - Less Than Five (Parking) Spaces

When new construction occurs or when alterations or additions are made to an existing building or facility where less than five parking spaces are provided, the building owner or business may incur costs to provide a wider loading and unloading area at the accessible parking space.

Persons with disabilities will have increased access to public accommodations and commercial facilities. As a result, businesses may experience an increase in income due to greater patronage by persons with disabilities. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

Initial Determination of Significant Effect on Housing Costs

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

(The CBSC contact designated below will make the DSA evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

Mandate on Local Agencies or School Districts

The DSA has determined that the following proposed regulatory actions would impose a mandate on local agencies or school districts:

CCR, Title 24, Part 2

- Section 1104B.5 item 8 - Food Preparation Areas
- Section 1117B.5.1 item 4 - Plan Review and Inspection
- Section 1117B.5.2 - Finish and Contrast
- Section 1117B.5.5 - Raised Characters and Pictorial Symbol Signs

- Section 1117B.5.6 - Braille
- Section 1127B.5 item 5 - Beveled Lip
- Section 1127B.5 item 7 - Detectable Warnings
- Section 1133B.8.3 - Detectable Warning at Transit Boarding Platforms
- Section 1129B.2 - Less Than Five (Parking) Spaces

The mandate would not require reimbursement by the State pursuant to CA Government Code Section §17500. Some of these proposed regulatory actions implement the Federal mandate contained in 28 CFR Part 36 (rev 7/1/94) – ADA Standards for Accessible Design. In addition, CA Government Code §4450 requires that DSA develop regulations and building standards relating to access for people with disabilities, and requires that these regulations and building standards in no case prescribe a lesser standard of accessibility or usability than provided by existing federal ADA Standards. These proposed regulatory actions affect both the public sector and the private sector. They are not unique to local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

A. Identification of the types of businesses that would be affected.

These proposed regulations are applicable to privately funded public accommodations and commercial facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities. The specific types of businesses that would be affected by each proposed regulatory action are listed below:

CCR, Title 24, Part 2

- Section 217-P (Definition of) Public Accommodation
Lodging houses located within buildings containing not more than 5 rooms for rent or hire and that are not actually occupied by the proprietor of the establishment as the residence of the proprietor.
- Section 1104B.5 item 8 - Food Preparation Areas
Dining, banquet and bar facilities with food preparation areas utilizing aisles widths of less than 36 inches in areas serving employees only.
- Section 1117B.5.1 item 4 - Plan Review and Inspection
The current CA Building Code contains detailed specifications for identification, directional, informational and accessibility signage. As mandated by Senate Bill 1242, this proposed regulatory action ensures that these features are not exempt from the plan review and inspection process, and requires the purchase and use of templates, guides, or other tools to verify compliance.
- Section 1117B.5.2 - Finish and Contrast
Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance.
- Section 1117B.5.5 - Raised Characters and Pictorial Symbol Signs
Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance.
- Section 1117B.5.6 - Braille
Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance. Sign manufacturers may incur costs.
- Section 1127B.5 item 5 - Beveled Lip
Existing privately funded public accommodations and commercial facilities utilizing curb ramps with beveled lip along exterior routes of travel.
- Section 1127B.5 item 7 - Detectable Warnings
Privately funded public accommodations and commercial facilities utilizing curb ramps along exterior routes of travel. Detectable warning manufacturers may incur costs.
- Section 1133B.8.3 - Detectable Warning at Transit Boarding Platforms
Existing privately funded public accommodations and commercial facilities utilizing curb ramps along transit boarding platforms. Detectable warning manufacturers may incur costs.
- Section 1129B.2 - Less Than Five (Parking) Spaces

Privately funded public accommodations and commercial facilities where less than five parking spaces are provided.

- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.

CCR, Title 24, Part 2, Section 101.17.11 mandates enforcement of these proposed regulations, where private funds are utilized, to “the building department of every city, county, or city and county within the territorial area of its city, county, or city and county”. Building department is defined as “the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.” Plans and specifications or other documents indicating compliance with the proposed regulations shall be submitted to the enforcing building department for review and approval when new building construction occurs or when alterations, structural repair, or additions are made to existing buildings or facilities.

- C. The DSA has made an initial determination that the proposed regulatory actions may have a significant adverse economic impact on businesses. These proposed regulatory actions will not affect the ability of California businesses to compete in other states because they implement the Federal mandate contained in 28 CFR Part 36 (rev 7/1/94) – ADA Standards for Accessible Design which is applicable to businesses in all states. The DSA has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishments of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

- A. The creation or elimination of jobs within the State of California.

The effect of the proposed regulatory actions on the creation or elimination of jobs within the State is unknown.

- B. The creation of new businesses or the elimination of existing businesses within the State of California.

The effect of the proposed regulatory actions on the creation of new businesses or the elimination of existing businesses within the State are unknown.

- C. The expansion of businesses currently doing business with the State of California.

The effect of the proposed regulatory actions on the expansion of businesses currently doing business with the State is unknown.

PART 5

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 through 4461 provides for access to public buildings by persons with disabilities.

GC§ 12955.1 provides that regulations shall be developed by the Office of the State Architect for public housing, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code.

H&SC§ 18949.1 provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

H&SC§ 19952 through 19954 provides for access to places of public amusement and resort by persons with disabilities.

H&SC§ 19955 through 19959 provides for access to public accommodations by persons with disabilities.

Existing Regulations & Effect

The 2001 California Plumbing Code (CPC) incorporates by adoption the 2000 edition of the UPC of the International Association of Plumbing and Mechanical Officials (IAPMO) with necessary DSA access compliance CA amendments. These existing standards which prescribe plumbing requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA. These regulations are contained in Title 24, Part 5.

Summary of Effect

DSA proposes repeal of the 2000 edition of the UPC and adoption of the 2003 edition of the UPC with existing necessary CA amendments. The outcome of this proposed action would update Title 24, Part 5, adopting more clarifying standards for accessibility. Other non-substantive amendments are proposed in the CPC, Chapters 1, 2, 3, 4 and 16 as described in the Initial Statement of Reasons. All adoptions, amendments, and repeals are included in the Express Terms shown in strikeout and underline for Part 5.

Comparable Federal Statute or Regulations

Federal Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities as published in the Federal Register July 26, 1991 and the Federal Fair Housing Amendments Act of 1988 are the only Federal provisions the DSAA is aware of which apply to these proposed code changes.

Policy Statement Overview

The broad objective of the proposed action is to maintain plumbing regulations in conformance with current state law and federally-recognized accessibility design standards.

PART 5

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

CCR, Title 24, Part 5, Section 101.11.9 mandates enforcement for these proposed regulations to the following:

- The Director of General Services where state funds are utilized for any project, or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.
- The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized.

Cost Impact on Representative Private Persons or Businesses

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a cost impact on representative private person or business.

Initial Determination of Significant Effect on Housing Costs

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.

Mandate on Local Agencies or School Districts

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a significant statewide adverse economic impact on businesses.

The DSA/AC has determined that there are no other reasonable alternatives considered that would be more appropriate in carrying out the purpose for which these plumbing requirements for accessibility are proposed or would be effective and less burdensome to affected private persons than the proposed access compliance regulations.

The DSA invites you to submit proposals addressing reasonable alternatives to the proposed plumbing requirements.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

- A. The creation or elimination of jobs within the State of California.
The effect of the proposed regulatory actions are not intended to create or elimination of jobs within the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.
The effect of the proposed regulatory actions are not intended to create new businesses or eliminate existing businesses within the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.
- C. The expansion of businesses currently doing business with the State of California.
The effect of the proposed regulatory action is not intended to expand businesses currently doing business with the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.

APPENDIX C

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
DIVISION OF THE STATE ARCHITECT/
STRUCTURAL SAFETY**

DSA/SS 01/04 Part 2 (Item 6 in monograph 2 of 4)
DSA/SS 02/04 Part 4 (Item 14 in monograph 3 of 4)
DSA/SS 03/04 Part 5 (Item 19 in monograph 3 of 4)

PART 2

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24 Part 2, Volumes 1 and 2.

Summary of Effect

The proposed action would update Part 2, adopting the more recent edition of the national design standard for wood construction, and would make editorial corrections to the general structural design, foundation and steel design provisions, including the adoption of errata previously issued by the model building code organization.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and nationally-recognized structural design standards.

PART 4

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of mechanical systems of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect.

These regulations are contained in Title 24, Part 4 (California Mechanical Code), and include the adoption of the Uniform Mechanical Code (UMC), 2000 edition. Title 24, Part 4 also includes DSA amendments clarifying the scope of application of these adopted standards (DSA's jurisdiction), and reference to seismic anchorage requirements of the California Building Code that are applicable to mechanical equipment and systems.

Summary of Effect

The proposed action would update Title 24, Part 4 by adopting the most recent edition of the model code (UMC, 2003 edition), and repealing adoption of the UMC, 2000 edition. DSA amendments will be continued, except those amendments that are now contained in the model code proposed for adoption (2003 edition UMC).

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, by adopting the most recent edition model mechanical code.

PART 5

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect.

These regulations are contained in the Title 24, Part 5 (California Plumbing Code), and include the adoption of the Uniform Plumbing Code (UPC), 2000 edition. Title 24, Part 5, also includes DSA amendments clarifying the following:

- Scope of application of these adopted standards, which includes public schools, community colleges, and state essential services buildings.
- Reference to seismic anchorage requirements of the California Building Code that are applicable to plumbing equipment and piping.
- Non-adoption by DSA-SS of model code provisions contained in Chapter 6 (Water Supply and Distribution) regarding cross-linked polyethylene (PEX) tubing.
- Allowed uses of ABS and PVC for sanitary drainage piping (Chapter 7), which include use in relocatable classroom buildings only.
- Definition of earthquake-actuated gas shut-off valves (Chapter 12) and reference to California Reference Standard 12-16-1.

Summary of Effect

The proposed action would update Title 24, Part 4 by adopting the most recent edition of the model code (UPC, 2003 edition), and repealing adoption of the UPC, 2000 edition. DSA amendments will be continued. Also proposed are changes to the current DSA amendments in Chapter 6 which specify the non-adoption of model code provisions for PEX tubing. These proposed changes would specify non-adoption by DSA of new model code provisions for PEX-AL-PEX piping.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by adopting the most current edition of the model plumbing code.

PARTS 2, 4, & 5

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The Division of the State Architect has made an initial determination that this proposal WOULD NOT have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The Division of the State Architect has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
The Division of the State Architect has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that this proposal has no effect.

APPENDIX D

CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HCD 03/04 Part 2 (Item 2 & 4 in monograph 1 of 4)

HCD 04/04 Part 3 (Item 9 in monograph 2 of 4)

HCD 02/04 Part 4 (Item 15 in monograph 3 of 4)

HCD 01/04 Part 5 (Item 20 in monograph 3 of 4)

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require the Department to propose the adoption, amendment, or repeal of building standards by the California Building Standards Commission.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The California Building Standards Commission is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires the Department to adopt building standards for employee housing for ". . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Section 19990 requires the Department to adopt building standards for factory-built housing.

HSC sections 18300, 18630, and 18640 require the Department to adopt building standards for mobilehome parks and special occupancy parks which the department determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act and for toilets, shower, and laundry facilities in parks.

Summary of Existing Regulations

The California Building Codes are in Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, which adopted by reference the 1997 Uniform Building Code with California Amendments.

Summary of Effect

The Department proposes to adopt, amend, or repeal sections of the 2001 edition of the CBC, with State amendments, as indicated on the attached proposed matrix table, into Part 2, Title 24, CCR for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the occupancy is for public use in accordance with Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910, including sections 17921 and 17922.
- b) **Employee Housing Act:** relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Park, Recreational Vehicle Park, Travel Trailer Park, or Special Occupancy Park:** relative to the use of mechanical equipment and systems in or on any permanent buildings and accessory building and structures within the park in accordance with Health and Safety Code Sections 18300, 18630, and 18640.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assembly in accordance with Health and Safety Code, Division 13, Part 6 commencing with Section 19960, including Section 19990.

PARTS 2, 3, 4, & 5

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The Department of Housing and Community Development is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The Department of Housing and Community Development has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC will make the Department of Housing and Community Development evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The Department of Housing and Community Development has made an initial determination that the proposed action will not have a significant adverse economic impact on business, including the ability of California businesses to compete in other states. (See *Economic Impact of the Proposed Changes to the California Building Code (CBC) on Private Persons and Businesses in the State of California* in the rulemaking file.)

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The Department of Housing and Community Development has made an initial determination as to whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of new businesses or the elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed Changes to the California Building Code (CBC) on Private Persons and Businesses in the State of California* in the rulemaking file.)

APPENDIX E

CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

OSHPD 01/04 Part 1 (Item 1 in monograph 1 of 4)
OSHPD 02/04 Part 2 (Item 7 in monograph 2 of 4)
OSHPD 03/04 Part 3 (Item 10 in monograph 3 of 4)
OSHPD 04/04 Part 4 (Item 12 in monograph 3 of 4)
OSHPD 05/04 Part 5 (Item 17 in monograph 3 of 4)

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code, Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code, Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code, Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code, Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Government Code, Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations with are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with Section 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 2, 2001 California Building Code (CBC) with California amendments relating to requirements for health facilities.

Summary of Effect

This proposal will amend provisions of the 2001 edition of the CBC regarding the requirements for the construction of hospitals, skilled nursing facilities, clinics and correctional treatment centers. The proposal deletes the requirement for operable windows in hospitals and skilled nursing facilities and clarifies that requirements for skilled nursing facilities also applies to distinct part units on a hospital license and within hospital buildings. It will clarify that requirements for utilities and systems serving hospital buildings do not apply to licensed clinics. It also the proposal includes modifications to the seismic design procedures for nonstructural components, editorial clarification to requirements for foundation design, concrete design, masonry design, steel design, wood design, and adoption of a more edition of the National Design Specification for Wood, published by the American Forest and Paper Association. This proposed action is consistent with current statute. Additionally, amendments will clarify application of the code for OSHPD 1 and OSHPD 2 for skilled nursing facilities.

PARTS 1, 2, 3, 4, & 5

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None
Cost to any local agency: None

Cost to any school district: None
Other nondiscretionary cost or savings imposed on local agencies: None
Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The OSHPD has made a determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The proposed action would have no effect on the creation or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

The propose action would have no effect on the creation of new businesses or elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

The proposed action would have no effect on the expansion of businesses currently doing business with the State of California.

APPENDIX F

CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF THE STATE FIRE MARSHAL

SFM 05/04 Part 2 (Item 8 in monograph 2 of 4)
SFM 01/04 Part 4 (Item 13 in monograph 3 of 4)
SFM 02/04 Part 5 (Item 18 in monograph 3 of 4)
SFM 04/04 Part 9 (Item 22 in monograph 4 of 4)
SFM 03/04 Part 12 (Item 24 in monograph 4 of 4)

INFORMATIVE DIGEST (SFM)

Summary of Existing Laws

H & S Code § 1597.46 The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for fire and life safety in large family day care homes.

H&SC §13143 - The SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC §18949.2(b) – The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy in the development of the state's codes related to fire and life safety.

H & S Code § 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

H & S Code § 13114 The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

H & S Code § 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Education Code § 17074.50 On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

These provisions shall entitle the school district to all applicable reductions in code requirements, as provided in the California Building Standards Code (Title 24 of the California Code of Regulations).

Education Code § 17074.52. (a) For modernization projects, the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50 shall consist of smoke or heat detectors, or a combination thereof, as determined by the State Fire Marshall, installed in the school building. The alarm, upon activation of an initiating device, shall alert all occupants and shall transmit the alarm signal to an approved supervising station.

(b) For new construction projects, the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50, shall in addition to compliance with subdivision (a), include an automatic fire sprinkler system installed in the school building including, but not necessarily limited to, attic spaces.

H & S Code § 17921 (b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code (H & S Code) § 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

SB 331 (1979) provided legislation to require building standards in CCR Titles to be moved into Title 24, CCR.

Summary of Existing Regulations and Effect – Parts 2 and 9

The State Fire Marshal currently adopts and enforces the 2001 California Building Code, Part 2, and the 2001 California Fire Code, Part 9, as part of the California Code of Regulations, Title 24 with State Fire Marshal amendments relating to fire and panic safety. This proposed action will amend the 2001 California Building Code (CBC) and the California Fire Code (CFC). The SFM has proposed amendments based upon their statutory authority over regulations relating to fire, panic and safety. This action is consistent with current statute.

The specific existing regulations and effect are as follows:

Chapter 1 (CBC) and Article 1 (CFC) Application

Conforms language with that of statute, and updates statutory authority and reference.

Chapter 3 (CBC) Use or Occupancy

305.11.3 Exempted Portable Buildings: This existing section provides an exception to the fire alarm system requirements for portable school buildings. The SFM proposes clarifying amendments to this section.

Chapter 9 (CBC) Fire Protection Systems

Section 904 – Fire Extinguishing Systems

904.1.1 General: This existing section requires buildings used for high pile combustible storage to comply with the fire code. The

SFM proposes to amend this section by referencing California Fire Code compliance.

904.1.2 Standards. This existing section gives requirements for compliance of fire extinguishing systems with listed standards. The SFM proposes to amend this section by removing specific references to standards in chapter 35 and replacing them with general language referencing chapter 35 and Article 91 of the California Fire Code.

904.2.1 Where Required: This existing section requires automatic fire extinguishing systems to be located in buildings according to the following standards. The SFM proposes to clarify this section by specifying compliance under the California Fire Code.

Article 10 (CFC) Fire Protection Systems and Equipment

Section 1003.2.4.4.3 – This section will now require that buildings on a school campus that have an approved automatic sprinkler system installed are now entitled to the applicable fire-resistive substitutions of Section 508 of the 2001 CBC.

Chapter 10 (CBC) Means of Egress and Article 10 (CFC) Fire Protection Systems and Equipment

CBC §1007.5.4 Corridors. This existing section provides space requirements for corridors in areas serving nonambulatory persons, with exceptions. The SFM proposes to amend this section by adding occupancy divisions that the exceptions apply to. CBC §1007.5.4 and CFC §1003.2.7.2. The SFM is also proposing the addition of exceptions for nursing stations and requirements for smoke detectors for the added occupancies.

Article 10 (CFC) Fire Protection Systems and Equipment

Section 1006.2.9.1.1, Exception 2 – This section requires that in new Group R occupancies the actuation of a flow of water or manual station shall notify the building occupants. A minimum of one manual station is required. All initiating devices shall be electrically supervised.

Chapter 11A (CBC) Housing Accessibility

1118A.1 The SFM proposes the addition of this section to require accessible means of egress under chapter 10, and when these are not available to provide an area of evacuation, with exceptions.

1118A.2.1 The SFM proposes the addition of this section to provide requirements for location and construction of areas of evacuation.

1118A.2.2 The SFM proposes the addition of this section to provide size requirements for areas of evacuation.

1118A.2.3 The SFM proposes the addition of this section to provide adjacent stairway width requirement for areas of evacuation.

1118A.2.4, 1118A.2.4.1, 1118A.2.4.2 The SFM proposes the addition of these sections to provide communication requirements for areas of evacuation.

1118A.2.5 The SFM proposes the addition of this section to provide identification requirements for areas of evacuation.

1118A.3 The SFM proposes the addition of this section to provide alternative requirements for areas of evacuation in high rise buildings

1118A.4 The SFM proposes the addition of this section to specify emergency warning systems requirements.

1118.5 The SFM proposes the addition of this section to specify areas of emergency egress.

Chapter 35 (CBC) Uniform Building Code Standards and Article 91 (CFC) California Standards

The amendments to these sections identify the updated references to the national standards that are adopted and amended by the SFM.

Summary of Existing Regulations and Effect, Parts 4 and 5

The State Fire Marshal currently adopts and enforces the 2001 California Mechanical Code and California Plumbing Code as parts of Title 24, CCR, Parts 4 and 5; with SFM amendments relating to fire and panic safety in SFM regulated occupancies.

This proposed action would adopt the 2003 Uniform Mechanical Code (UMC) and 2003 Uniform Plumbing Code by reference with SFM amendments relating to fire and life safety requirements. This action is consistent with current statute.

The SFM is proposing to bring forward to the 2004 CMC and 2004 CPC, various SFM amendments found in the 2001 CMC and 2001 CPC. The SFM's express terms include the adoption matrix tables for the 2004 CMC and 2004 CPC. These tables indicate the following:

- ♦ Existing amendments that are being carried forward from the 2001 CMC and CPC into the 2004 CMC and CPC.
- ♦ Existing 2001 UMC and 2001 UPC model code text that is being carried forward into the 2004 CMC or CPC and with permission from the publisher, International Association of Plumbing and Mechanical Officials (IAPMO) since that text does not appear in the 2003 UMC or 2003 UPC.
- ♦ Renumbering of the existing 2001 CMC and CPC that is moved into the 2003 UMC or 2003 UPC due to IAPMO's relocation of that particular chapter and or section
- ♦ Repeal of existing 2001 CMC and CPC because the 2003 UMC or 2003 CPC addresses the topic of the SFM's existing amendment
- ♦ Adopt various chapters and or sections new to the 2003 UMC or 2003 UPC.

Summary of Existing Regulations and Effect, Part 12

Title 24, Part 12, Special Test Standards was not included in the CBSC in the 2001 code adoption cycle. The SFM proposes moving this part forward into the current California Building Standards Code.

PARTS 2, 4, 5, 9, & 12

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The OSFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The OSFM has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

The OSFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The OSFM has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

Identification of Changes

Example of Code Change Submittal:

ITEM 3 [BFO]
SFM 2/04
Part 9
Section 1006.2.7.1.1 & 1006.3.3.3.1

In keeping with the established format, each code change is identified by an eight-part designation as follows:

⁽¹⁾ ITEM 3 ⁽²⁾ [BFO]
⁽³⁾ SFM ⁽⁴⁾ 2/ ⁽⁵⁾ 04
⁽⁶⁾ Part 9, Chapter 10

⁽⁷⁾ Petition Note:

⁽⁸⁾ Repeal or Amend Section 1006:

The above reference would refer to an amendment of:

- ⁽¹⁾ (Item Number) - Item 3 of the Code Advisory Committee agenda;
- ⁽²⁾ (Code Advisory Committee) - Committee to which the Item 3 is referred, the Building, Fire & Other [BFO];
- ⁽³⁾ (Proposing State Agency) - Proposing state agency initials, SFM;
- ⁽⁴⁾ (Submittal Number) - Second code change submitted, 2;
- ⁽⁵⁾ (Year Submitted);
- ⁽⁶⁾ (Part and/or Chapter or Article) - Chapter 10 affected;
- ⁽⁷⁾ (Petition Note, when applicable) - Note: indicating this code change is in response to a code change petition, identifying petitioner;
- ⁽⁸⁾ (Action Proposed by State Agency) - Proposed action to repeal section 1006.

Express Terms Legend

- ⁽¹⁾ California amendment (CA) brought forward **without** modification: *All language will appear in italics.*
- ⁽²⁾ California amendment (CA) brought forward **with** modification: *All language will appear in italics, modified language is shown underlined.*
- ⁽³⁾ Repealed text: Shown as ~~Strikeout~~.

Legend of Proposing or Adopting State Agencies

CBSC -	California Building Standards Commission -- Thomas L. Morrison.....	(916) 263-0916
HCD -	Department of Housing and Community Development -- Chris Anderson.....	(916) 445-9471
DSA/AC -	Division of the State Architect -- Access Compliance Michael Mankin.....	(916) 445-5827
DSA/SS -	Division of the State Architect -- Structural Safety Richard Conrad	(916) 445-8100
OSHPD -	Office of Statewide Health Planning & Development -- Sue Botelho.....	(916) 654-2012
SFM -	State Fire Marshal -- Leslie Haberek.....	(916) 445-8200

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax

Office Use Item No. _____

PARTICIPATION COMMENTS
Challenge/comments should be sent to the above address.
(SEE RULES FOR PUBLIC COMMENTS ON REVERSE SIDE)

(WRITTEN COMMENT DEADLINE: JULY 11, 2005)

Date: _____

From: _____
Name (Print or type) (Signature)

Agency, jurisdiction, chapter, company, association, individual, etc.

Street City State Zip

I/We (do)(do not) agree with:

☐ The Agency proposed modifications As Submitted on Item No. _____

and request that this item or reference provision be recommended:

☐ Approved ☐ Disapproved ☐ Held for Further Study ☐ Approved as Amended

by the Commission at the next regularly scheduled meeting.

Reason: [The **reason should be concise**; if the request is for "Disapproval", "Further Study", or "Approve As Amend" **identify at least one of the 9-Point Criteria**. (See following pages) of Health & Safety Code §18930.]

RULES OF PROCEDURES FOR PUBLIC COMMENTS

SEC. 1-900. DEFINITIONS.

The following definitions govern the interpretation of this article.

- (a) **“Challenge”** means a written public comment received during a written comment period and directed at a proposed change or a code advisory committee recommendation or the procedures followed by the Commission in proposing or adopting the action.
- (b) **“Code advisory committee”** means an advisory panel or body appointed to advise the Commission with respect to building standards.
- (c) **“Code change”** means a proposed change to a building standard as defined by H&SC Section 18909.
- (d) **“Code change submittal”** means a proposed code change and its justification submitted to the Commission by a proposing agency.
- (e) **“Commission”** means the California Building Standards Commission.
- (f) **“Executive Director”** means the Executive Director of the California Building Standards Commission.
- (g) **“Justification”** means an initial statement of reason and the information needed to complete a notice of proposed action, including a determination as to the effect of the code change on housing costs.
- (h) **“Proposing agency”** means a state agency having authority and responsibility to propose a building standard for adoption by the Commission.
- (i) **“Special code advisory committee”** means an ad hoc committee established by the Commission, when necessary, to advise the Commission on a subject in the code needing extensive revision or on a complex subject which needs to be regulated or to perform a review of a proposed code change that warrants special technical review.
- (j) **“Technical review”** means a review of a proposed code change and its justification conducted pursuant to H&SC Section 18930©, (d), (e), (f) to ensure that a code change is justified in terms of criteria of H&SC Section 18930(a), the nine point criteria.

SEC. 1-901. PROCEDURE FOR CODE ADOPTION PROCESS.

- (d) **Public Written Comment Period.** Anyone wishing to contest a recommendation of the code advisory committee(s) and/or comment on a proposed code change in the monograph may submit a challenge to the Commission during the written comment period established by the notice of proposed action. Upon written request received, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission on the proposed code changes, its justification and code advisory recommendations at which time statements, arguments, or comments, either oral or writing, or both shall be permitted.
 - (1) A challenge shall refer to a specific recommendation or proposed code change and clearly indicate what is being contested. The challenge shall specify the action desired: approve, disapprove, return for further study or approve as amended. A challenge shall specify a concise substantiating reason for the challenge.
 - (2) Following the close of the comment period and/or public hearing, the Commission shall make available to the public upon request a monograph of challenges received at the Commission office by the close of the written comment period and/or comments received at the public hearing.
 - (3) The Commission shall consider the challenges contained in the monograph.
 - (4) No new issues will be raised before the Commission that was not printed in the monograph of challenges.
 - (5) Items not challenged, but affected as a result of an action on another item, may also be considered at the Commission meeting to eliminate conflict, duplication, or overlap.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.
- (b) In reviewing building standards submitted for its approval, the commission shall consider only the record of the proceedings of the adopting agency, except as provided in subdivision (b) of Section 11342.3 of the Government Code.
- (c) Where the commission is the adopting agency, it shall consider the record submitted to, and considered by, the state agency that proposes the building standards and the record of public comment that results from the commission's adoption of proposed regulations.
- (d) (1) The commission shall give great weight to the determinations and analysis of the adopting agency or state agency that proposes the building standards on each of the criteria for approval set forth in subdivision (a). Any factual determinations of the adopting agency or state agency that proposes the building standards shall be considered conclusive by the commission unless the commission specifically finds, and sets forth its reasoning in writing, that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the adopting agency or state agency that proposes the building standards.
- (2) Whenever the commission makes a finding, as described in this subdivision, it shall return the standard to the adopting agency or state agency that proposes the building standards for a reexamination of its original determination of the disputed fact.
- (e) Whenever a building standard is principally intended to protect the public health and safety, its adoption shall not be "factual determination" for purposes of subdivision (d). Whenever a building standard is principally intended to conserve energy or other natural resources, the commission shall consider or review the cost to the public or benefit to be derived as a "factual determination" pursuant to subdivision (d). Whenever a building standard promotes fire and panic safety, each agency shall, unless adopted by the State Fire Marshal, submit the building standard to the State Fire Marshal for prior approval.
- (f) Whenever the commission finds, pursuant to paragraph (2) of subdivision (a), that a building standard is adopted by an adopting agency pursuant to statutes requiring adoption of the building standard, the commission shall not consider or review whether the adoption is in the public interest pursuant to paragraph (3) of subdivision (a).

INITIAL STATEMENT OF REASONS

GENERAL – EXPRESS TERMS

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request, when rulemaking action is being undertaken. The following are the general reasons for proposing this particular rulemaking action:

NOTE: See individual code change items for specific State agency proposed modifications. Each item is followed with the specific reason (public problem, purpose, and necessity) for the particular code change.

Health and Safety Code Section 18929.1 requires the Commission to receive proposed building standards from state agencies for consideration in annual code adoption cycle. The Commission is task with responsibility of ensuring adequate participation in the development of building standards. Law requires technical advisory committees, appointed by the Commission, to review the technical merit of the proposed building standards prior to the Commission taking an action. Proposed building standards contained in this monograph have been reviewed by the technical advisory committees in January and February 2005. The advisory committees' recommendations and the agency concurrence to, or non-concurrence with, the committees' recommendations are listed in this monograph.

Health and Safety Code Sections 18949.1, 18949.2 and 18949.3, and 18949.5 transfers to the Commission the adoption responsibilities for building standards that proposed by four state agencies. The state agencies are the Division of the State Architect, the Office of the State Fire Marshal, the Office of Statewide Health Planning and Development and the Department of Housing and Community Development. Under the authority granted by these provisions of law, the Commission proposes to adopt, amend, repeal, carry forward, approve, codify, and publish building standards contained in the California Code of Regulations, Title 24, **Parts 1, 2, 3, 4, 5, 9, and 12**, as presented in this monograph.

THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

Where no state agency has the authority, Health and Safety Code 18934.5 authorizes the California Building Standards Commission to adopt building standards. The building standards shall provide minimum standards for the design and construction of state buildings, buildings constructed by the Trustees of the California State University, and buildings constructed by the Regents of the University of California.

The CBSC proposes to:

- Update the current 2001 California Building Code regarding the National Design Specifications, 2001 edition (NDS 2001). This action will further amend provision adopted by emergency during the previous rulemaking activity.
- Adopt the 2003 Uniform Mechanical Code with necessary amendments for use as the model code for the 2004 California Mechanical Code.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments for use as the model code for the 2004 California Plumbing Code.
- Codify existing building reference standards to correct an administrative error that occurred in a previous rulemaking cycle for part 12, California Reference Standards, California Code of Regulations, Title 24.

THE DIVISION OF THE STATE ARCHITECT ACCESS COMPLIANCE (DSA/AC)

Government Code Section 4450 authorizes the Division of the State Architect the task of promulgating building standards that ensure barrier-free design in all buildings, structures, sidewalks, curbs, and related facilities, site work and other improvements specified by law.

The Division of the State Architect is responsible for incorporating standards at least as restrictive as those required by the federal government for barrier-free design under:

- Title III (Public Accommodations and Commercial Facilities), Sub-part D (New Construction and Alteration) and Appendix A (Americans with Disabilities Act Accessibility Guidelines) (see 28 C.F.R., Part 36) and
- Title II (Public Entities), Section 35.151 (New Construction and Alterations) (see 28 C.F.R., Part 35) both from the Americans with Disabilities Act of 1990, and
- Under the Fair Housing Amendments of 1988.

The DSA/AC proposes to:

- Make editorial modifications, (changes without regulatory effect), to the 2004 California Administrative Code and the 2004 California Electrical Code
- Re-organization of Chapter 11A and 11B, accessibility chapters from the 2001 California Building Code with existing amendments to be moved forward and new amendments proposed to be added.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments to be used as part 5 of the 2004 California Plumbing Code, California Code of Regulations, Title 24.

THE DIVISION OF THE STATE ARCHITECT STRUCTURAL SAFETY (DSA/SS)

Health and Safety Code Sections 16000 through 16023 provides the basis for the Division of the State Architect Structural Safety (DSA/SS) with authority to propose this regulatory action for compliance for application to essential services buildings. It is the intent of the Legislature that essential services buildings, which shall be capable of providing essential services to the public after a disaster, shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity, fire, and winds. It is also the intent of the Legislature that the structural systems and details set forth in working drawings and specifications be carefully reviewed by the responsible enforcement agencies using qualified personnel, and that the construction process be carefully and completely inspected. In order to accomplish these purposes, the Legislature intends to provide for the establishment of building standards for earthquake, gravity, fire, and wind resistance based upon current knowledge, and intends that procedures for the design and construction of essential services buildings be subjected to qualified design review and construction inspection.

It is further the intent of the Legislature that the nonstructural components vital to the operation of essential services buildings shall also be able to resist, insofar as practical, the forces generated by earthquakes, gravity, fire, and winds. The Legislature recognized that certain nonstructural components housed in essential services buildings, including, but not limited to, communications systems, main transformers and switching equipment, and emergency backup systems, are essential to facility operations and that these nonstructural components should be given adequate consideration during the design and construction process to assure, insofar as practical, continued operation of the building after a disaster.

Existing Education Code (Ed.C.) Sections 17280 through 17317 provides the basis for the Department of General Services (DGS), DSASS with the authority to propose this regulatory action for application to public schools. The DSA shall supervise the design and construction of any school building, reconstruction or alteration to ensure that the plans and specification comply with the adopted rules, regulations and building standards published in Title 24, California Code of Regulations (CCR). The DSA shall also ensure the work of construction has been performed in accordance with the approved plans and specifications for the protection of life and property.

Existing Ed.C. Section 81130 through 81149 provides the basis for the DGS, DSA/SS with authority to propose this regulatory for application to community colleges. The DSA shall supervise the design and construction of any school building to ensure that plans and specifications comply with building standards published in Title 24, CCR. The DSA shall also ensure the work of construction has been performed in accordance with the approved plans and specifications for the protection of life and property.

The DSA/SS proposes to:

- Amend various structural sections of Part 2, Vol.2, 2001 California Building Code for the above-specified applications.
- Adopt the 2003 Uniform Mechanical Code with necessary amendments to be used as the 2004 California Mechanical Code, Part 4, California Code of Regulations, Title 24.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments to be used as the 2004 California Plumbing Code, Part 5, California Code of Regulations, Title 24.

THE OFFICE OF STATE FIRE MARSHAL (SFM)

Existing law authorizes the State Fire Marshal to propose building standards for adoption by the Commission for specified applications. The citations of laws and its application are as follows:

Application—Any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for the aged, children's nursery, children's home, school or any similar occupancy of any capacity.

Any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Any building or structure which is open to the public and is used or intended to be used for the showing of motion pictures when an admission fee is charged and when the building or structure has a capacity of 10 or more persons.

Authority Cited—H&SC § 13143.

Application—Single Family Day-care Homes.

Authority Cited—H&SC §1597.45, 1597.54, 13143 and 17921.

Application—Large Family Day-care Homes.

Authority Cited—H&SC §1597.46, 1597.54, and 17921.

Application—Residential Facilities and Residential Facilities for the Elderly.

Authority Cited—H&SC §13133.

Application—Any state institution or other state-owned or state-occupied building.

Authority Cited—H&SC §13108.

Application—High-rise Structures.
Authority Cited—H&SC §13211.

Application—Organized Camps.
Authority Cited—H&SC §18897.3.

Application—All hotels, motels, lodging houses, apartment houses and dwellings, including congregate residences and buildings and structures accessory thereto.

Multiple-story structures existing on January 1, 1975, let for human habitation, including and limited to, hotels motels, apartment houses, less than 75 feet above the lowest floor level having building access, wherein rooms used for sleeping are let above the ground floor.

Authority Cited—H&SC §13143.2 and 17921.

Application—Certified family-care homes, out-of-home placement facilities, halfway houses, drug and/or alcohol rehabilitation facilities and any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency.

Authority Cited—H&SC §13143.6.

Application—Tents, awnings or other fabric enclosures used in connection with any occupancy.

Authority Cited—H&SC §13116.

The SFM proposes to:

- Amend various sections of Part 2, 2001 California Building Code for the above-specified applications.
- Adopt the 2003 Uniform Mechanical Code with necessary amendments to be used as the 2004 California Mechanical Code, Part 4, California Code of Regulations, Title 24.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments to be used as the 2004 California Plumbing Code, Part 5, California Code of Regulations, Title 24.
- Amend various sections of Part 9, 2001 California Fire Code for the above-specified applications.
- Codifying existing building reference standards to correct an administrative error that occurred in a previous rulemaking cycle for Part 12, California Reference Standards, California Code of Regulations, Title 24.

THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Existing law which commences with Section 15000 of Chapter 1, Division 12.5, Health and Safety Code (Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983) was enacted on January 1, 1983 by Chapter 303, Statutes of 1982 (Senate Bill 961, Alquist). The provisions of the Act grants to the Office of Statewide Health Planning and Development the authority to establish proper building standards to carry out its provisions, and preempt from local jurisdiction the enforcement of all building standards relating to health facilities as defined by the Act – hospitals and multistory nursing facilities (OSHDP 1), single story wood frame type V nursing facilities (OSHDP 2), and correctional treatment facilities (OSHDP 4). Responsibilities of the Office include the plan checking and the inspection of the design and construction of the architectural, structural, electrical, mechanical, and plumbing systems. This responsibility also includes the enforcement of fire and life safety requirements adopted by the State Fire Marshal and Accessibility for Disabled Persons standard as adopted by the Division of State Architect Accessibility Section.

Health and Safety Code Section 1226 grants the Office of Statewide Health Planning and Development the authority to prescribe minimum construction standards of adequacy and safety for the physical plant of licensed clinics (OSHDP 3).

The specific purpose of the California Building Standards Code is to provide protection to life and property by regulating the design, construction and reconstruction of hospital buildings, skilled nursing facilities, intermediate care facilities and clinic buildings. This proposal for adoption is authorized pursuant to Sections 446.2, 446.3, 1226, 1275 and Sections 15000 through 15093 of the Health and Safety Code.

The OSHDP proposes to:

- Amend various sections of Part 1, 2004 California Administrative Code for Hospital Inspector Certification and for the above-specified applications.
- Amend various sections of Part 2, 2001 California Building Code Vol. 1 & 2 for the above-specified applications.
- Amend various articles of Part 3, 2004 California Electrical Code for the above-specified applications.
- Adopt the 2003 Uniform Mechanical Code with necessary amendments to be used as the 2004 California Mechanical Code, Part 4, California Code of Regulations, Title 24.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments to be used as the 2004 California Plumbing Code, Part 5, California Code of Regulations, Title 24.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

Health and Safety Code Section 17922 of the State Housing Law and 19990 of the Factory-Built Housing Law, directs the Department of Housing and Community Development to propose the adoption of building standards which are substantially the same as the most recent edition of the National Electrical Code of the National Fire Protection Association.

Health and Safety Code Section 17921 of the State Housing Law; Health and Safety Code Section 17040 of the Employee Housing Act; and Health and Safety Code Sections 18300, 18620, 18640, and 18670 of the Mobilehome Parks Act directs the Department of Housing and Community Development to propose the adoption amendment or repeal of building standards.

The HCD propose to:

- Update the current 2001 California Building Code regarding the National Design Specifications, 2001 edition (NDS 2001). This action will further amend provision adopted by emergency during the previous rulemaking activity. HCD is also proposing a repeal and re-write of Chapter 11A, Housing Accessibility.
- Amend various articles of Part 3, 2004 California Electrical Code for the above-specified applications.
- Adopt the 2003 Uniform Mechanical Code with necessary amendments to be used as the 2004 California Mechanical Code, Part 4, California Code of Regulations, Title 24.
- Adopt the 2003 Uniform Plumbing Code with necessary amendments to be used as the 2004 California Plumbing Code, Part 5, California Code of Regulations, Title 24.